

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 1, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA10-25. Ralph Hall et al. v. City of Bryant, Arkansas et al., from Saline Circuit. Reversed and remanded. Gladwin and Henry, JJ., agree.

CA10-415. Haylee Dale Black v. State of Arkansas, from Faulkner Circuit. Reversed and dismissed. Gladwin and Henry, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA09-1234. Yolanda Owens v. Arkansas Department of Human Services, from Union Circuit. Affirmed; motion to withdraw granted. Gruber and Glover, JJ., agree.

CA10-220. Dardanelle & Russellville Railroad, Inc. v. Certain Underwriters at Lloyd's, London, from Pope Circuit. Reversed and remanded. Gruber and Glover, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-484. Earmon Lamar Brown v. State of Arkansas, from Lonoke Circuit. Affirmed. Baker and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-566. Kirby Donald Franklin, Jr. v. State of Arkansas, from Drew Circuit. Affirmed. Vaught, C.J., and Henry, J., agree.

CA09-931. Kristin Kuelbs, Donald Hill, and Edwardena Hill v. Kimberly Hill, from Garland Circuit. Affirmed. Vaught, C.J., and Henry, J., agree.

CA10-375. Jim Peterson and Jan Peterson v. William "Bill" Davis, Sheri Davis, Sherman Fine, and Ruth Fine, from Baxter Circuit. Dismissed without prejudice. Vaught, C.J., and Henry, J., agree.

JOHN B. ROBBINS, JUDGE:

CACR10-697. Heath Corey Ford v. State of Arkansas, from Carroll Circuit, Eastern District. Reversed and remanded. Kinard and Abramson, JJ., agree.

CA10-58. Michael A. Hayes v. Sandra L. Hayes (Otto), from Pulaski Circuit, Fourteenth Division. Affirmed. Kinard and Abramson, JJ., agree.

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RITA W. GRUBER, JUDGE:

CA10-555. Tracy Morgan v. Highland Window and Chartis Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Glover, JJ., agree.

CA10-699. Dalesha Welch v. Arkansas Department of Human Services, from Washington Circuit. Affirmed. Pittman and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA09-1395. M.W. v. State of Arkansas, from Pulaski Circuit, Tenth Division. Affirmed. Pittman and Gruber, JJ., agree.

CA10-464. Elizabeth Daniels v. Little Rock School District and Arkansas Municipal League, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Gruber, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

CA10-366. Jay Elmore Stalter and Charlotte Darlene Stalter v. Jimmy Gibson and Dianne Gibson, from Van Buren Circuit. Affirmed. Robbins and Kinard, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA10-249. Wenzel Wochos and Debra Proto Wochos v. B.J. Woolverton and Carolyn Woolverton, et al., from Garland Circuit. Affirmed in part; reversed and remanded in part. Abramson and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR10-263. David Wayne Fikes v. State of Arkansas, from Washington Circuit. Affirmed. Hart and Baker, JJ., agree.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for Rehearing were denied today in the following cases.

CA09-1202. Bio Tech Pharmacal, Inc. v. Edmond Blouin, from Workers' Compensation Commission.

CA09-1374. Darla Jackson v. Tanya Smith, f/k/a Tanya Gonzales et al., from Carroll Circuit, Western District.

CA10-436. Second Injury Fund v. Cleveland Osborn, from Workers' Compensation Commission.

CACR09-175. Mitchell Scott Johnson v. State of Arkansas, from Benton Circuit. Motion of Paul M. Gehring to be relieved as counsel and for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1323. David Junior Sweet v. State of Arkansas, from Crawford Circuit. Motion of Paul M. Gehring for attorney's fees is granted. Allowed \$1,400.00.

CACR10-6. Danny Ray Henington v. State of Arkansas, from Benton Circuit. Motion of Harvey Harris for attorney's fees is granted. Allowed \$1,400.00.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Farris E. Merritt for attorney's fees is granted. Allowed \$1,400.00. Pittman, Gladwin, and Brown, JJ., would grant \$1,150.00.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Farris E. Merritt to be relieved as counsel for appellant is denied without prejudice to resubmit after obtaining counsel in the trial court.

CACR10-186. Robert Lee Purdie v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

CACR10-187. Tracey Parks v. State of Arkansas, from Greene Circuit. Motion of Jason Andrew Jouett for attorney's fees is granted. Allowed \$1,400.00.

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CACR10-187. Tracey Parks v. State of Arkansas, from Greene Circuit. Motion of Jason Andrew Jouett to be relieved as counsel for appellant is granted.

CACR10-204. Kevin Gettridge v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,000.00.

CACR10-226. Archie Lorenzo Ross, Jr. v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CA09-1326. Kristin N. Kuelbs, Donald Hill, and Edwardena Hill v. Kimberly Hill, from Garland Circuit. Appellee's motion to dismiss appeal is granted in part, denied in part; motion for sanctions is denied. *See per curiam* this date. Pittman, J., not participating.

CA09-1363. Marx Real Estate Investments, LLC et al. v. Dr. Victor Coloso and Ms. Regina Coloso, from Sebastian Circuit, Fort Smith District. Cross-appellee Envision Real Estate Group, LLC's motion to dismiss cross-appeal is passed until the case is submitted.

CA09-1363. Marx Real Estate Investments, LLC et al. v. Dr. Victor Coloso and Ms. Regina Coloso, from Sebastian Circuit, Fort Smith District. Cross-appellee Envision Real Estate Group, LLC's motion to file brief, for extension of time, and for clarification is granted. Brief due December 14, 2010.

CA10-363. Wylie Westbrook v. Teton Industrial Construction et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CA10-613. Amy L. Piccioni v. Kevin S. Piccioni, from Saline Circuit. Appellee's motion to dismiss appeal is denied without prejudice.

CA10-613. Amy L. Piccioni v. Kevin S. Piccioni, from Saline Circuit. Appellant's motion for additional brief time is granted. Appellant's brief due December 14, 2010. Final extension.

CA10-681. Tina Havard and Michael Havard v. Jim Bob Clark, from Lonoke Circuit. Appellants' motion to file belated reply brief is granted.

CA10-691. Carlos Parrish and Sophia Parrish v. Arkansas Department of Human Services, from Miller Circuit. Appellants' motion to supplement the record and stay brief time is granted. Supplemental record due within ten days. Appellants' brief due within ten days thereafter. Pittman, J., not participating.

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CA10-692. Bethany Myers v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion to supplement the record and stay brief time is granted. Supplemental record due within ten days. Appellant's brief due within ten days thereafter. Pittman, J., not participating.

CA10-693. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion to supplement the record and stay brief time is granted. Supplemental record due within ten days. Appellant's brief due within ten days thereafter. Pittman, J., not participating.

CA10-694. Albert Krantz and Marian Krantz v. Arkansas Department of Human Services, from Miller Circuit. Appellants' motion to supplement the record and stay brief time is granted. Supplemental record due within ten days. Appellants' brief due within ten days thereafter. Pittman, J., not participating.

CA10-696. Alphonzo Reid v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion to supplement the record and stay brief time is granted. Supplemental record due within ten days. Appellant's brief due within ten days thereafter. Pittman, J., not participating.

CA10-756. Eric Dill v. Green Dental Laboratories, Inc., et al., from Workers' Compensation Commission. Appellees' motion to file belated brief is granted.

CA10-1015. St. Joseph's Mercy Health Center v. Melissa Edwards and John Edwards, from Garland Circuit. Appellant's motion to supplement the record and to stay brief time is granted. Glover, J., not participating.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CA09-1217. David G. Vigneault v. Pamela J. Vigneault, from Benton Circuit.

CACR09-1389. Craig Deon Thomas v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Gregg A. Knutson for attorney's fees.

CACR10-271. Shawn M. Sims-Navarre v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-291. Michael Cook v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR10-359. Joe Moore v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees.

CACR10-385. Tracie Lynn Snider v. State of Arkansas, from Jackson Circuit. Motion of R. T. Starcken for attorney's fees.

CACR10-501. David Juarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Motion of R. David Lewis to be relieved as counsel or in the alternative for additional brief time.

CACR10-1000. Lonnie Lynn Miller v. State of Arkansas, from Union Circuit. Motion of N. Mark Klappenbach to be relieved as counsel for appellant.

CACR10-1065. Charles Alvin Boatright v. State of Arkansas, from Madison Circuit. Appellant's motion to exclude certain items from the addendum.

CA08-1190. Gary Howard, Individually and as Administrator of the Estate of Odis Howard v. Lauren Adams, Don Brady, Todd Mazzanti, and Adams & Brady & Jackson, P.L.L.C., from Benton Circuit. Appellant's motion for substitution of exhibits.

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CA10-302. Steve's Outdoor Investments, LLC and Steve Rogers v. Reynolds Forestry Consulting-RFC, Inc., from Columbia Circuit. Appellants' motion to file bond.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for stay.

CA10-452. John O'Hara v. Death & Permanent Disability Trust Fund, from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA10-474. Mady J. Maguire v. W. Gene Jines, D.D.S. et al., from Pulaski Circuit, Fifth Division. Appellant's pro se motion to supplement the record and to stay brief time.

CA10-874. Daniel Ray Horton v. Virginia Ruth Horton, from Pulaski Circuit, Ninth Division. Motion of Debra Reece to be substituted as counsel for appellant and for brief time.

CA10-899. Gregory Cavin Williams v. Diana Joy Enneking, from Benton Circuit. Joint motion to dismiss appeal and remand to the trial court for modification of child support order pursuant to agreement of the parties.

CA10-924. William Stacey Gillison v. Mary Carol Talbot Gillison, from Chicot Circuit. Appellant's motion to stay further enforcement of judgment pending appeal.

CA10-976. Obie Wright v. Dalton Pontiac Buick GMC Truck, Inc., et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CA10-979. Dellia Smith et al. v. Beverly Sims and Drew Sims, from Desha Circuit. Appellants' motion to file belated brief.

CA10-1016. John Louis McClure v. Tracy Kara Schollmier-McClure, from Pulaski Circuit, Sixteenth Division. Appellant's motion to dismiss appeal.

CA10-1057. Mercy Health System of Northwest Arkansas, Inc. v. Ajdahan D. Bicak, M.D., from Benton Circuit. Appellant's motion to correct the record and to stay brief time.

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CA10-222. National Bank of Arkansas v. Rivercrossing Partners, LLC, from Pulaski Circuit, Sixth Division. Argued orally.

CACR10-135. Todd Wayne Hall v. State of Arkansas, from Benton Circuit.

CACR10-519. Steven Ray Baker v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-534. Lashawn Heath v. State of Arkansas, from Crittenden Circuit.

CACR10-740. Melissa Diane Meador v. State of Arkansas, from Polk Circuit.

CA09-257. Vickie Hall v. Timothy Bias, from Crawford Circuit.

CA09-1380. Mary Gurlen v. Henry Management, Inc., from Pulaski Circuit, Sixth Division.

CA10-230. Donald L. Treat et al. v. Kelly D. Hurst, from Marion Circuit.

CA10-270. Kevin Horton et al. v. Brent Taylor, from Searcy Circuit.

CA10-272. Elizabeth Toombs v. Todd Toombs, from Benton Circuit.

CA10-361. William Berry et al. v. Larry G. Wilson, from Columbia Circuit.

CA10-418. Robert Avron Maley v. Ann Elizabeth Cauley, from Pulaski Circuit, Thirteenth Division.

CA10-455. Barney Travis et al. v. Southern Farm Bureau Casualty Insurance Company, from Craighead Circuit, Western District.

CA10-650. Mike Adams v. Bemis Company, Inc., from Workers' Compensation Commission.

CA10-769. Carl E. Feltus v. Maverick Tube, LLC, from Workers' Compensation Commission.

CA10-817. Carolyn Coleman v. Arkansas Department of Human Services, from Greene Circuit.

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CA10-822. Second Injury Fund v. Billy R. Tharp, from Workers' Compensation Commission.

CA10-826. Harley Hoffman v. Arkansas Department of Human Services, from Washington Circuit.